

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General
SCOTT N. SCHOOLS
United States Attorney
R. MICHAEL UNDERHILL
Attorney in Charge
West Coast Office
JEANNE M. FRANKEN
Trial Attorney
U.S. Department of Justice
Torts Branch, Civil Division
450 Golden Gate Avenue, Room 7-5395
P.O. Box 36028
San Francisco, California 94102-3463
Telephone: (415) 436-6644
Telefax: (415) 436-6632
E-mail: jeanne.franken@usdoj.gov

Of Counsel:

PATRICIA E. BYRNE
Attorney Adviser
Office of Chief Counsel
Maritime Administration
U.S. Department of Transportation
400 Seventh Street, SW, Room 7313
Washington, D.C. 20530
Telephone: (202) 366-5172

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Civil No.: CV07-6162 BZ
)
Plaintiff,) AT LAW AND IN ADMIRALTY
)
v.)
)
Tackle, apparel, furnishings, spares, tools,) (Proposed)
equipment and certain other appurtenances of) ORDER FOR APPOINTMENT
the SS INDEPENDENCE (O.N. 261147),) OF SUBSTITUTE CUSTODIAN
in rem,)
)
Defendant.)
)

Upon Application of plaintiff, United States of America, for an Order appointing a substitute custodian to act in lieu of the United States Marshal in this case, and good cause

1 appearing therefore, it is

2 ORDERED that the plaintiff's Application be and hereby is granted; and it is further
3 ORDERED that Henry Ryan, Western Regional Director, United States Maritime
4 Administration ("Marad"), be and hereby is appointed in that capacity to act as substitute
5 custodian of the defendant vessel tackle, appurtenances, etc., in the above-captioned
6 proceeding during *custodia legis* on behalf of this Court, in place and in stead of the United
7 States Marshal, and until further order of this Court; and it is further

8 ORDERED that the United States Marshal for this District transfer the aforesaid
9 defendant vessel tackle, appurtenances, etc., to the custody of the aforesaid substitute
10 custodian, immediately following its arrest; and it is further

11 ORDERED that upon transfer of custody of the aforesaid defendant vessel tackle,
12 appurtenances, etc., to the substitute custodian by the United States Marshal, the Marshal
13 shall not be liable for any loss occurring while it remains in the custody of the substitute
14 custodian; and it is further

15 ORDERED that all reasonable expenditures of the United States Marshal shall be
16 administrative expenses in this action and a first charge on the defendant vessel tackle,
17 appurtenances, etc., to be paid to the United States Marshal prior to the release of said items
18 or distribution of the proceeds of their sale; and it is further

19 ORDERED that all reasonable expenditures which may be incurred by the United
20 States of America and the aforesaid substitute custodian for safekeeping or maintaining the
21 defendant vessel tackle, appurtenances, etc., while they are in *custodia legis*, shall be
22 administrative expenses in this action and a first charge on said items, to be paid prior to their
23 release or distribution of the proceeds of their sale, commencing this date, for the cost of
24 security, routine maintenance and inspection; and it is further

25 ORDERED that the cost of performing a survey and inventory of the aforesaid items
26 by Marad shall be an administrative expense in this action, and a first charge on the

1 defendant vessel tackle, appurtenances, etc., to be paid prior to the release of the aforesaid
2 items or the distribution of the proceeds of their sale.

3 IT IS SO ORDERED this _____ day of _____ 2008 in San Francisco,
4 California.

5
6

UNITED STATES DISTRICT JUDGE

7 PRESENTED BY:

8 Dated: March 7, 2008

9 JEFFREY S. BUCHOLTZ
10 Acting Assistant Attorney General
11 SCOTT N. SCHOOLS
12 United States Attorney
13 R. MICHAEL UNDERHILL
14 Attorney in Charge
15 West Coast Office

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17 s/Jeanne M. Franken

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23 Office of Chief Counsel
24 Maritime Administration
25 U.S. Department of Transportation

26
27 Attorneys for Plaintiff
28 United States of America